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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 NATHANIEL JAMES DAVIS, JR.,) CASE NO. C09-0574-RSM-MAT
09 Plaintiff,)
10 v.) ORDER DENYING PLAINTIFF'S
11 STATE OF WASHINGTON, et al.,) MOTION FOR APPOINTMENT OF
12 Defendants.) COUNSEL
_____)

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14 This matter comes before the Court on plaintiff's motion for appointment of counsel.
15 The Court, having reviewed plaintiff's motion, and the balance of the record, does hereby find
16 and ORDER:

17 (1) Plaintiff's motion for appointment of counsel (Dkt. 5) is DENIED. There is no
18 right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court,
19 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*
20 *pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789
21 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);
22 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances

01 requires an evaluation of both the likelihood of success on the merits and the ability of the
02 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.
03 Wilborn, 789 F.2d at 1331. Plaintiff has not, at this juncture, demonstrated any likelihood that
04 he will succeed on the merits of his case. Thus, plaintiff has not demonstrated that this case
05 involves exceptional circumstances which warrant appointment of counsel.

06 (2) The Clerk shall send a copy of this Order to plaintiff.

07 DATED this 29th day of June, 2009.

08 s/ Mary Alice Theiler
09 United States Magistrate Judge
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